

# EXHIBIT

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**DEPOSITION OF QUESHA STARKIS**

**January 24, 2006**

**Pages 1 through 70**

**CONDENSED TRANSCRIPT AND CONCORDANCE  
PREPARED BY:**

**Haislip, Ragan, Green, Starkie & Watson, P.C.**

**566 South Perry Street**

**Post Office Box 62**

**Montgomery, AL 36104**

**Phone: (334) 263-4455**

**Fax: (334) 263-9167**

**E-mail: [haislipragan@charter.net](mailto:haislipragan@charter.net)**

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF ALABAMA  
3 NORTHERN DIVISION  
4  
5 MELVIN LOWE,  
6 Plaintiff/Petitioner,  
7 Vs. CIVIL ACTION NO.  
8 2:05-CV-0495  
9 MONTGOMERY COUNTY BOARD  
10 OF EDUCATION,  
11 Defendant/Respondent.  
12 \*\*\*\*\*  
13 DEPOSITION OF QUESHA STARKS, taken  
14 pursuant to stipulation and agreement before  
15 Patricia G. Starkie, Registered Diplomat Reporter,  
16 CRR, and Commissioner for the State of Alabama at  
17 Large, in the Law Offices of Hill, Hill, Carter,  
18 Franco, Cole & Black, 425 South Perry Street,  
19 Montgomery, Alabama, on Tuesday, January 24, 2006,  
20 commencing at approximately 10:15 a.m.  
21 \*\*\*\*\*  
22  
23

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1 STIPULATION  
2 It is hereby stipulated and agreed by and  
3 between counsel representing the parties that the  
4 deposition of:  
5 QUESHA STARKS  
6 is taken pursuant to the Federal Rules of Civil  
7 Procedure and that said deposition may be taken  
8 before Patricia G. Starkie, Registered Diplomat  
9 Reporter, CRR, and Commissioner for the State of  
10 Alabama at Large, without the formality of a  
11 commission;  
12 That objections to questions other than  
13 objections as to the form of the question need not  
14 be made at this time but may be reserved for a  
15 ruling at such time as the said deposition may be  
16 offered in evidence or used for any other purpose  
17 by either party provided for by the Statute.  
18 It is further stipulated and agreed by and  
19 between counsel representing the parties in this  
20 case that the filing of said deposition is hereby  
21 waived and may be introduced at the trial of this  
22 case or used in any other manner by either party  
23 hereto provided for by the Statute regardless of

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1 APPEARANCES  
2 FOR THE PLAINTIFF:  
3 William F. Patty, Esq.  
4 Tanya E. Dugas, Esq.  
5 BEERS, ANDERSON, JACKSON  
6 PATTY & VAN HEEST  
7 Attorneys at Law  
8 250 Commerce Street  
9 Montgomery, Alabama  
10 FOR THE DEFENDANT:  
11 Elizabeth B. Carter, Esq.  
12 HILL, HILL, CARTER, FRANCO  
13 COLE & BLACK  
14 Attorneys at Law  
15 425 South Perry Street  
16 Montgomery, Alabama  
17 ALSO PRESENT:  
18 Mr. Melvin Lowe  
19 Mr. Jimmy Barker  
20 \*\*\*\*\*  
21 EXAMINATION INDEX  
22 QUESHA STARKS  
23  
24 BY MS. DUGAS 4  
25 BY MS. CARTER 62  
26 BY MS. DUGAS 65  
27 BY MS. CARTER 66  
28 BY MS. DUGAS 67  
29 (No exhibits were marked to this deposition)

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1 the waiving of the filing of the same.  
2 It is further stipulated and agreed by and  
3 between the parties hereto and the witness that the  
4 signature of the witness to this deposition is  
5 hereby waived.  
6 \*\*\*\*\*  
7 QUESHA STARKS  
8 The witness, after having first been duly  
9 sworn to speak the truth, the whole truth and  
10 nothing but the truth testified as follows:  
11 EXAMINATION  
12 BY MS. DUGAS:  
13 Q. Could you tell us your name, please.  
14 A. Quesha Starks.  
15 MS. CARTER: Can you spell that  
16 for her?  
17 A. Q-U-E-S-H-A, Starks. S-T-A-R-K-S.  
18 Q. Thank you.  
19 And Ms. Starks, what is your address,  
20 your home address?  
21 A. Home address? 3455 Fernway, F-E-R-N-W-A-Y,  
22 Drive.  
23 Q. And is that here in Montgomery?

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1 A. Yes.  
2 Q. What zip is that?  
3 A. 36111.  
4 Q. Okay. And what is your date of birth?  
5 A. 9/16/74.  
6 Q. And your social security number?  
7 A. 421-13-7201.  
8 Q. Are you married?  
9 A. Single.  
10 Q. Do you have any children?  
11 A. No.  
12 Q. And could you tell us a little about your  
13 educational background, please.  
14 A. Do you want me to go back to high school or  
15 college?  
16 Q. Starting at college.  
17 A. I graduated from Huntingdon College, 1996,  
18 with a major in English, minors in music  
19 and communication studies. I went on to  
20 Auburn University Montgomery to get my  
21 master's in language arts and certification  
22 in administration.  
23 Q. What year was that?

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1 A. That was 1998 that I received the degree.  
2 And I graduated from Samford December 2005  
3 with an educational specialist degree in  
4 educational leadership. And currently I am  
5 pursuing my doctorate at Samford. I will  
6 begin June for the second half of my EDS.  
7 Q. Have you ever given deposition testimony  
8 before?  
9 A. In 1995.  
10 Q. Okay. What was the context of that?  
11 A. It was a harassment case.  
12 Q. Were you plaintiff, defendant --  
13 A. I was just a witness.  
14 Q. Have you ever been sued?  
15 A. No.  
16 Q. Have you ever sued anyone before?  
17 A. No.  
18 Q. Have you ever served in the military?  
19 A. No.  
20 Q. And have you ever been arrested?  
21 A. No.  
22 Q. Okay. Do you have any relatives in south  
23 central Alabama?

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1 A. Yes, I do.  
2 Q. What last names?  
3 A. Starks, Maddox. And that's about it.  
4 That's the immediate family.  
5 Q. Do you currently hold an Alabama teaching  
6 certificate?  
7 A. I do.  
8 Q. And do you have an administrative  
9 certificate?  
10 A. I do, uh-huh (positive response).  
11 Q. Do you have any other certificates through  
12 the Alabama --  
13 A. National board certified, certified in  
14 language arts.  
15 Q. Do you hold any teaching certificates from  
16 any other state?  
17 A. No.  
18 Q. Could you give us your employment history,  
19 please.  
20 A. I started teaching in Bullock County, and  
21 that was grades 7 through 12.  
22 Q. What year was that?  
23 A. That was 1996, immediately after I

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1 graduated.  
2 Q. What school were you at?  
3 A. Bullock County High School.  
4 Q. Okay.  
5 A. And following two years in Bullock County,  
6 I moved to Montgomery public schools and  
7 was a language arts teacher at BTW Magnet.  
8 While serving as a language arts teacher  
9 there, I taught English, 9 through 12, and  
10 speech. And following my tenure at BTW, I  
11 was the assistant principal or  
12 administrative assistant -- that's the  
13 terminology to use -- at Loveless Academic  
14 Magnet, Brewbaker Technology Magnet, and  
15 McKee Junior High School.  
16 MS. CARTER: All at the same  
17 time?  
18 A. I was at Loveless --  
19 MS. CARTER: It's not my  
20 deposition. I'm sorry.  
21 A. I was at Loveless and Brewbaker Technology  
22 Magnet in the same year.  
23 Q. What year was that?

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1 A. That was about 2001.  
 2 Q. Okay.  
 3 A. I would go to Loveless maybe in the morning  
 4 and Brew Tech in the evening, or I'd go to  
 5 Loveless on Mondays and Tuesdays and Brew  
 6 Tech on Wednesdays and Thursdays and split  
 7 a day Friday. And then I think it was back  
 8 in October that I switched from Brewbaker  
 9 Tech and Loveless to Brewbaker Technology  
 10 Magnet and McKee Junior High School. So  
 11 those were all in the same year.  
 12 Q. Okay. McKee Junior High?  
 13 A. McKee Junior High School.  
 14 Q. And how long did that last, from October  
 15 2001 until?  
 16 A. McKee? Until about May 2000.  
 17 Q. So it was just McKee?  
 18 A. Well, it was McKee and Brewbaker Tech. I  
 19 would go to Brewbaker Tech maybe on Mondays  
 20 and Tuesdays and McKee Wednesdays and  
 21 Thursdays and split the day on Friday just  
 22 like I did with Loveless.  
 23 Q. How long did you continue this split

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1 process?  
 2 A. That was one year.  
 3 Q. Just a year?  
 4 A. Uh-huh (positive response).  
 5 Q. So that would put us in 2002?  
 6 A. Yes, 2002. And then I went back to BTW as  
 7 the assistant principal, administrative  
 8 assistant.  
 9 Q. Okay.  
 10 A. I was there for a year, a full year as  
 11 assistant principal. Then I moved to the  
 12 principal's office, and I've been  
 13 principal -- this is -- I'm going into my  
 14 second year.  
 15 Q. So you became principal in --  
 16 A. Okay. It was 2002-2003, 2003-2004, and  
 17 then 2005-2006. So that had to be like  
 18 right at 2003, somewhere along in there,  
 19 2004.  
 20 Q. Who was your principal when you were  
 21 assistant principal at BTW?  
 22 A. Dan Aude.  
 23 MS. CARTER: Could you spell his

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1 last name?  
 2 THE WITNESS: A-U-D-E.  
 3 Q. Have you ever been certified as a reading  
 4 coach?  
 5 A. No. I'm secondary.  
 6 Q. Okay. Have you ever worked in any  
 7 elementary schools or middle schools?  
 8 A. Well, no, because Bullock County High  
 9 School, you know -- not in Montgomery  
 10 County. That's 7 through 12.  
 11 Q. That was 7 through 12?  
 12 A. Uh-huh (positive response). Now, junior  
 13 high school is McKee, you know, as  
 14 assistant principal, but not as a teacher.  
 15 That's junior high.  
 16 Q. All right. So your current position at BTW  
 17 is your first term as a -- first time  
 18 serving as principal?  
 19 A. Second year -- oh --  
 20 Q. But in that position, you've never been a  
 21 principal anywhere before BTW?  
 22 A. No.  
 23 Q. And what process did you go through to

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1 obtain the principal position at BTW?  
 2 A. Well, it took a long time because I  
 3 certified in 1998 as an administrator, and  
 4 I did not make it as soon as I certified.  
 5 So I went back into the classroom, and  
 6 that's when I got the national board  
 7 certification. So it's taken a while  
 8 because I certified in 1998, but I didn't  
 9 get my first job, you know, as a -- you  
 10 know, an administrator or principal until  
 11 2003-2004.  
 12 Q. Okay. But, now, you had an assistant  
 13 principal position in 2001 at Loveless and  
 14 Brewbaker Tech at the same time?  
 15 A. Okay. And let me retrace this. Let me  
 16 kind of go back over it because -- I would  
 17 have brought my resume.  
 18 Okay. So for 2003-2004, I was  
 19 assistant principal at BTW -- I mean -- I'm  
 20 sorry. That was --  
 21 MS. CARTER: I think she might be  
 22 one year off.  
 23 A. Yeah, I'm about one year off.



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1 MS. CARTER: She started her  
 2 assistant principalships one  
 3 year later than she's  
 4 testified.  
 5 A. Yes. Okay. And so my first year as a  
 6 principal was 2004-2005; second year,  
 7 2005-2006. I was assistant principal  
 8 2003-2004 at BTW, and I was assistant  
 9 principal at Loveless, McKee, and Brew  
 10 Tech, that would be 2002-2003.  
 11 Q. Okay. Was the position in 2002-2003,  
 12 assistant principal, administrative  
 13 assistant --  
 14 A. Right.  
 15 Q. -- was that your first administrative  
 16 position?  
 17 A. That was my first.  
 18 Q. Okay. And had you applied for  
 19 administrative positions prior to the  
 20 Loveless Magnet, Brewbaker Tech?  
 21 A. I did, uh-huh (positive response).  
 22 Q. How many times had you applied for --  
 23 Well, let me ask this. How many

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1 assistant principal positions had you  
 2 applied for prior to obtaining one?  
 3 A. Well, I had only applied -- you know, you  
 4 submit your letter of interest, and then  
 5 you just wait. And if you don't hear that  
 6 time, then you submit it again. So I did  
 7 submit a letter of interest, and the first  
 8 time I submitted it, I didn't receive the  
 9 position.  
 10 Q. Okay. In 1998 you said you were certified  
 11 in administration. Was this the beginning  
 12 or the end of '98?  
 13 A. That was about the end of '98.  
 14 Q. Okay.  
 15 A. Because that following year, I moved to  
 16 BTW, so it was '98-'99. You pick up in '98  
 17 and you end in '99.  
 18 Q. Okay. Now, what process did you go through  
 19 to secure the principal position as opposed  
 20 to the assistant principal position at BTW?  
 21 A. Well, it was pretty much the same. I had  
 22 to submit a letter of interest.  
 23 THE WITNESS: And Mr. Barker, I

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1 don't remember when we had to  
 2 submit those letters of  
 3 interest, but I think it was  
 4 at the closing of my assistant  
 5 principalship.  
 6 MS. CARTER: He can't tell you.  
 7 He's invisible.  
 8 THE WITNESS: Oh, he's invisible?  
 9 Okay.  
 10 Q. Did you have to complete an application?  
 11 A. All of that information was already on  
 12 file. I had to submit my resume and my  
 13 letter of interest because your application  
 14 is on file, you know. When you're a  
 15 teacher, you have all of your logistical  
 16 documentation there, but I had to submit a  
 17 letter of interest and a resume.  
 18 Q. Okay. Now, was this a lateral move when  
 19 you were seeking the principal position?  
 20 A. Well, technically, I still had to -- I  
 21 moved up, yes, but --  
 22 Q. This would have been a promotion?  
 23 A. Yes, it was a promotion.

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1 Q. Increase in pay?  
 2 A. Yeah -- well, if you want to call it an  
 3 increase, yeah.  
 4 Q. Increase in duties?  
 5 A. Yes.  
 6 Q. Responsibilities?  
 7 MS. CARTER: Definitely that,  
 8 huh?  
 9 Q. Did you have any interviews during the  
 10 process of obtaining your principalship?  
 11 A. With my interviews, of course, you know,  
 12 Booker T. Washington Magnet. That was  
 13 about it.  
 14 Q. Who interviewed you at Booker T.  
 15 Washington?  
 16 A. That would be Dan Aude. And of course, I  
 17 had to go through several interviews or --  
 18 I had to go through interviews with MPS.  
 19 That was just basically -- MPS did our  
 20 interviews for the principalship.  
 21 Q. Okay. Who at MPS did your interview?  
 22 A. Who all was in the room? Mike Looney,  
 23 Mr. Barker, I think Lois Johnson or Linda

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1 Robinson, and -- that's all I can recall.  
 2 Q. Okay. What happened after your interview  
 3 next in the step of securing this position  
 4 as principalship?  
 5 A. Okay. After the interview, you just have  
 6 to wait, you know. You have to wait  
 7 because there's a chance of getting it, and  
 8 I had already gone through the struggle of  
 9 not getting assistant principal the first  
 10 time, so I didn't want to push it and say,  
 11 well, did I get hired? Am I going to get  
 12 this school? So I just had to wait until,  
 13 you know, it was approved.  
 14 Q. About how long was that, do you remember?  
 15 A. It was an eternity for me, but I guess, you  
 16 know, for the most part of the -- I don't  
 17 know. Maybe about a month. I don't want  
 18 to say because it will be incorrect,  
 19 because I'm uncertain.  
 20 MS. CARTER: It's okay.  
 21 Q. Have you ever been a part of a hiring  
 22 committee where you served on the  
 23 committee?

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1 A. Well, when I was hiring -- when we were  
 2 trying to find an assistant principal to  
 3 fill the slot at my school, so --  
 4 Q. How many people were on this committee?  
 5 A. It was basically all of the principals who  
 6 were looking for an assistant principal, so  
 7 there had to have been maybe about seven  
 8 people in that room.  
 9 Q. And what year was this that you were  
 10 looking for an assistant principal?  
 11 A. I was looking for an assistant principal  
 12 2004-2005, the summer, so that would be  
 13 2004. Summer 2004.  
 14 Q. Okay.  
 15 A. That was the first time I was looking  
 16 for --  
 17 Q. So that was --  
 18 A. Yes.  
 19 Q. And you did an application process the  
 20 following year, summer of 2005?  
 21 A. I was looking for someone then, too.  
 22 Q. Okay.  
 23 A. So I sat in on two interviews.

Page 19

1 Q. Okay.  
 2 A. And in going back to that, in tracing  
 3 things, I want to --  
 4 Is it okay for me to go back?  
 5 Q. Yes.  
 6 A. With Dan Aude, he interviewed me for the  
 7 assistant principalship at BTW.  
 8 Q. Okay.  
 9 A. Okay. Not the principalship. MPS did the  
 10 principalship.  
 11 Q. Okay. In your experience as principal, has  
 12 there ever been a time when you've  
 13 recommended a candidate for a position and  
 14 that candidate not be hired?  
 15 A. Basically -- and it's hard to say that  
 16 because we are asked to submit  
 17 recommendations, our first, second, and our  
 18 third choices. And, you know, all of my  
 19 choices are pretty much, you know, I would  
 20 be okay with either one of them. So I  
 21 can't say that, no, they've been denied.  
 22 It just depends. And then I remember one  
 23 year when I was interviewing, there may

Page 20

1 have been some individuals who were  
 2 currently in the classroom and couldn't be  
 3 pulled out. That was the 2004-2005 year.  
 4 So no, not really, because, you know,  
 5 we're given an opportunity to make  
 6 recommendations, and I would have been fine  
 7 with either of the recommendations for  
 8 2005-2006.  
 9 Q. Okay. You say either of the  
 10 recommendations. Did you make two  
 11 recommendations?  
 12 A. I did three.  
 13 Q. Three?  
 14 A. Uh-huh (positive response).  
 15 Q. Do you ever indicate to Mr. Barker or  
 16 anyone at HR who is your preferred amongst  
 17 the three?  
 18 A. Yes, I can indicate, yes, and that would be  
 19 in my ranking. But still, going back to  
 20 what I said, I would be fine with either of  
 21 the three.  
 22 Q. Right.  
 23 A. Uh-huh (positive response).

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1 Q. Have you ever -- do you typically get the  
2 person, your top pick?  
3 A. I did this year, yes.  
4 Q. Has there ever been a situation in your  
5 past two years as principal where you did  
6 not get your top pick for a position?  
7 A. Well, the previous year, I did not have  
8 anyone at all for 2004-2005. I didn't have  
9 an assistant principal for that particular  
10 year. But for 2005-2006, when I had an  
11 opportunity, I did get my top pick.  
12 Q. So there was no assistant principal in  
13 2004-2005?  
14 A. No.  
15 Q. Had you interviewed people for this  
16 position?  
17 A. I had interviewed people for that position.  
18 Q. Had you submitted recommendations to  
19 Mr. Barker or HR?  
20 A. Yes, but like I stated, the individuals  
21 that could have been recommended at that  
22 time, they were teaching in the classroom.  
23 Because this was a process that went over

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1 into mid year, mainly because I did start  
2 not on schedule with some of the other  
3 principals as a first-year principal. It  
4 was something that just kind of came up.  
5 Q. So you just had no assistant principal for  
6 a year?  
7 A. Uh-huh (positive response).  
8 Q. Okay.  
9 MS. CARTER: Say yes or no.  
10 Q. I'm sorry. She's typing everything.  
11 A. Oh, yes. Yes.  
12 Q. I forget, too.  
13 A. Okay.  
14 Q. Do you keep any documentation when you  
15 interview people for positions in the  
16 school?  
17 A. During the hiring process, I will keep  
18 documentation, but after that, I don't keep  
19 it because there's no need for me to do  
20 that.  
21 Q. Okay.  
22 A. But while I'm trying to decide who I want,  
23 I'll have that documentation available.

Page 23

1 Now, of course, names will always be  
2 something that I can refer back to, but as  
3 far as the notes on my legal pad, no.  
4 Q. Okay. Do you keep any documentation of the  
5 recommendations that you make to HR for  
6 particular positions?  
7 A. Just the names are written down.  
8 Q. Okay. But you continue to keep the names,  
9 at least just the names?  
10 A. Uh-huh (positive response).  
11 Q. Okay.  
12 A. Yes.  
13 Q. Now, we started to talk about this, the  
14 2005 administrative assistant position that  
15 was available at BTW. Did you seek out  
16 candidates for that position?  
17 A. Well, we went through the process at the  
18 central office where the seven or so  
19 principals were seated at the table, and  
20 they had an opportunity to listen to all of  
21 the applicants who were applying. After  
22 that we had a listing of individuals that  
23 we could call, and we established further

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1 contact. Most of the individuals would  
2 beat us to calling them. So that's how the  
3 process went. I met with central office  
4 first to interview the applicants, and then  
5 secondly we took the names from the list  
6 that was provided. We would get updates  
7 from Sue Arant, who's in the human  
8 resources office, as to new applicants and  
9 current applicants to call.  
10 Q. Okay. Let me ask you about --  
11 Now, was the position advertised? Was  
12 it posted?  
13 A. All of the positions were posted.  
14 Q. Okay. And once the position is posted,  
15 were all of the applicants gathered  
16 together at the same time with the  
17 seven-principal committee?  
18 A. Okay. This is how it worked. I told you  
19 we had our interviews at MPS. They come to  
20 a room just like this. The applicant would  
21 sit at the head of the table, and all of  
22 the principals would be around the table  
23 with the human resource officers, and we



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1 would ask questions round robin. That's  
2 the first process. The jobs have all been  
3 posted out there in the system.

4 The second process after that was to go  
5 down from the listings of individuals that  
6 we interviewed and call those individuals  
7 for another interview in our office.

8 Q. Okay. Now, are --

9 MS. CARTER: Our office being?

10 Q. BTW's office?

11 A. BTW, uh-huh (positive response). Yes.

12 Q. Do you have any contact with any of the  
13 applicants prior to the group meeting at  
14 MPS?

15 A. I don't.

16 Q. Okay. When the applicants come to the  
17 group committee meeting or interview, I  
18 guess, at MPS, have you already received a  
19 list from central office indicating whether  
20 or not they're suitable or they're  
21 certified for the positions?

22 A. Now, we're assuming they're certified when  
23 we go to central office and we're seated at

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1 inquire about that person. Human resources  
2 may be forwarding those recommendations,  
3 and we were asked this year to send those  
4 in. And that's it. They contact the  
5 individuals who we're interested in because  
6 they have to do a final check. Yes.

7 Q. Okay. You said you -- okay. I think we're  
8 skipping a step in here.

9 A. Okay.

10 Q. You did the interviews at MPS?

11 A. Yes.

12 Q. Then you receive a list of people that were  
13 interviewed?

14 A. Right.

15 Q. Did you make any contact with those  
16 applicants?

17 A. To contact them --

18 Q. Did you call anyone to follow up?

19 A. To follow up for an interview, yes.

20 Q. Okay.

21 A. And then some of them called me.

22 Q. Okay. So you would do a personal  
23 interview, a one-on-one interview with the

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1 the table because for them to make it to  
2 that point, they should have had their  
3 documentation in line.

4 Q. Okay. Now, you said you got a list of  
5 people that you could call. What was the  
6 list?

7 A. Well, the listing was just the names  
8 provided from those individuals that we  
9 interviewed in central office and any  
10 others. Because there were some people  
11 that couldn't jump on the band wagon to get  
12 there for that first series of interviews,  
13 and so they would interview later on. And  
14 I know I had obligations, so I might have  
15 made the first interview session and not  
16 the second. That listing just keeps us  
17 updated.

18 Q. Okay. And then after the initial  
19 interviews, it was your responsibility to  
20 contact any applicants on your own?

21 A. Well, what we do after that is after I've  
22 interviewed, and I'm like, okay, I'm  
23 interested in candidate A, B, or C, I will

Page 28

1 applicant?

2 A. Right.

3 Q. Then --

4 A. Recommendations are sent.

5 Q. Okay. And you said the board -- I'm  
6 sorry. HR looks into the people? What --

7 A. Well, no. They ask us what our  
8 recommendations are.

9 Q. Okay. Do you do any kind of background or  
10 reference checks?

11 A. Well, I don't have the ability to do any  
12 background or reference checks, like  
13 calling around to schools, saying, hey, how  
14 is this person going to work. We submit  
15 our recommendations, but -- I don't want to  
16 assume, since Mr. Barker can't speak -- all  
17 of that should already have been done prior  
18 to us submitting our recommendations.  
19 Background checks, reference checks and all  
20 that, that should have been done the first  
21 MPS interview session that we had with all  
22 of the principals and the candidates coming  
23 in.

Page 29

1 Q. So is there any -- do you check out  
2 anyone's employment history or their  
3 history with previous schools at any point  
4 yourself?  
5 A. You know, I might inquire, but basically I  
6 just look at the resume. I base it on what  
7 the individual has stated in the  
8 interview. And if I want to say, well, how  
9 does this person work in this particular  
10 setting, I can do that, but I rarely did  
11 that in my interviews because I have a lot  
12 of confidence in --  
13 Q. Who would you inquire to?  
14 A. Like I said, I don't do this.  
15 Q. You've never done this?  
16 A. No, you know, never, unless it's a  
17 teacher. Now, with my teachers it's  
18 different, but if it's somebody who has  
19 come in on an administrative level, I will  
20 just basically rely on the resume, what I  
21 have stated in the conference, and any  
22 other documents that are given. But for  
23 teachers, I'm going to call former

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1 principals and references that are  
2 provided.  
3 Q. Okay. Now, you said you give your  
4 recommendation to Mr. Barker --  
5 A. Or whoever.  
6 Q. -- or HR --  
7 A. Right.  
8 Q. -- of who you want. This recommendation,  
9 is it simply a list of individuals?  
10 A. Uh-huh (positive response). Yes.  
11 Q. Do you provide your reasons behind  
12 selecting these certain people?  
13 A. That's more so in conversation.  
14 Q. Okay. So you would have a conversation?  
15 A. A conversation would take place.  
16 Q. Okay. What type of things would be  
17 discussed in this conversation?  
18 A. Qualities that would benefit my school.  
19 I'm at a performing arts school, so it  
20 helps to have individuals who may have some  
21 kind of experience with magnets, performing  
22 arts schools, with some of the components  
23 that we have. Abilities to organize,

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1 because PEPE is one of our biggest  
2 monsters. Teacher evaluations, seeing if  
3 individuals are competent to do that. And  
4 also interpersonal skills, working with  
5 faculty members. That's the largest part.  
6 Background experience. I'm on the  
7 secondary level, so I'm going to be looking  
8 for some individuals who have had some sort  
9 of experience on the secondary level,  
10 successful experience.  
11 Q. Let's talk about the 2005 assistant  
12 principal position specifically.  
13 A. Right.  
14 Q. Okay. Did Melvin Lowe express an interest  
15 in this position?  
16 A. He called me, yes. He called, expressed an  
17 interest in it.  
18 Q. Did he call you prior to the MPS interview?  
19 A. No.  
20 Q. So what was your first interaction with  
21 Melvin Lowe?  
22 A. With our telephone call, our conversation.  
23 And I'm going back to -- this may have been

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1 June, July or whatever. Some of the  
2 applicants were called. Some of the people  
3 who interviewed with MPS followed up with  
4 us. My first time really talking to him  
5 jobwise was in our interview.  
6 Q. You say our interview?  
7 A. Yes. My interview with Mr. Lowe.  
8 Q. You and Mr. Lowe?  
9 A. Uh-huh (positive response).  
10 Q. Did Mr. Lowe participate in the group  
11 committee interview?  
12 A. Yes, I remember seeing him.  
13 Q. Okay. Do you remember what your impression  
14 was of him based on that group interview?  
15 A. The group interview, you know, we had so  
16 many applicants. I'm not saying that he  
17 wasn't a good applicant, but, again, I'm  
18 looking for three things, you know:  
19 Exposure to the magnet performing arts, and  
20 then secondly looking at background  
21 experience, education, what level the  
22 person has served on. So I can't say that  
23 he was in my top grouping from those

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1 individuals that I interviewed at MPS.  
 2 Q. How many applicants were there at that  
 3 interview at MPS, do you know?  
 4 A. I can not give you an estimate.  
 5 Q. Fifty? I mean, I'm just trying -- was it  
 6 10, 50, 100?  
 7 A. In that single day that I was there, there  
 8 had to have been over 10, 15 people.  
 9 Q. Okay. Were there other days where the  
 10 principals did group interviews?  
 11 A. There were other days. I think we had  
 12 about maybe two sessions, and I know that I  
 13 wasn't available for one of the sessions.  
 14 Q. Do you know approximately the size of the  
 15 applicant pool that you were going to be  
 16 picking this position from?  
 17 A. No.  
 18 Q. Okay. Now, you said that Melvin Lowe  
 19 contacted you after the MPS group  
 20 interview?  
 21 A. And let me put it out here like this  
 22 because, you know, I said I don't want to  
 23 give you any information that's incorrect.

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1 If we go down the listing and we contact a  
 2 person, you know, they can contact us back.  
 3 Q. Okay.  
 4 A. I do remember him contacting me, but I  
 5 don't know if it was that he contacted me  
 6 after, you know, the individuals were  
 7 called.  
 8 Q. So you don't know if your office initiated  
 9 the first contact or if he did?  
 10 A. I can't say that.  
 11 Q. Okay.  
 12 A. You know, I can't say that.  
 13 Q. That's fine. Did you and he have a  
 14 conversation on the phone when he contacted  
 15 your office?  
 16 A. It was just short.  
 17 And Sharon Gjesvold did my scheduled  
 18 interviews. She was --  
 19 Q. What was her last name?  
 20 A. Gjesvold. G-J-E-S-V-O-L-D. She's my  
 21 bookkeeper. She scheduled most of my  
 22 summer appointments.  
 23 Q. Did Mr. Lowe come in for a face-to-face

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1 interview?  
 2 A. Yes.  
 3 Q. And what was your impression of that  
 4 interview?  
 5 A. Well, I remembered Mr. Lowe. You asked did  
 6 I have any prior knowledge of him. I  
 7 remembered him because when we were  
 8 younger, we had the same piano teacher. So  
 9 of course, at the beginning of the  
 10 interview, we had a little small talk.  
 11 Okay, yeah, I remember you. But he pretty  
 12 much took charge of the interview. He  
 13 carried it on. I was able to ask a couple  
 14 of questions, but he pretty much led the  
 15 interview.  
 16 Q. Okay. How long was that interview, do  
 17 you --  
 18 A. That one that day could have been about 30,  
 19 35 minutes.  
 20 Q. And what all did y'all talk about over the  
 21 course of the interview?  
 22 A. Well, he talked about his background. He  
 23 shared background information about

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1 being -- working in productions, serving as  
 2 a make-up artist, his elementary  
 3 experience, working in Bullock County  
 4 also. And basically, I heard a lot about,  
 5 you know, him.  
 6 My questions centered on organizational  
 7 skills, how do you work well with people,  
 8 interpersonal skills, but we kind of went  
 9 off on different tangents about his  
 10 experience and where he had been and what  
 11 individuals he had an opportunity to work  
 12 with and what he had accomplished in his  
 13 previous jobs. So it really wasn't a  
 14 structured interview like I initially  
 15 wanted it to be. It was more  
 16 conversational as to what I have achieved,  
 17 this is what I have done, and I have -- I  
 18 will be getting my doctorate from Nova and  
 19 just a couple of other things.  
 20 Q. Based on what you did speak to him about,  
 21 did you form an opinion based on whether or  
 22 not he had the qualities that you were  
 23 looking for, the organizational skills?

9 (Pages 33 to 36)



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1 Did he have organizational skills  
 2 sufficient to fulfill this position?  
 3 A. Well, I really couldn't, like I say, form  
 4 an opinion about him at that particular  
 5 time because the conversation went away  
 6 from my interview questions to this is who  
 7 I am. This is what I can do for your  
 8 program.  
 9 Q. Okay.  
 10 A. So until I could look at all of the  
 11 applicants grouped together, I can't say,  
 12 okay, well, this is the one I'm going to  
 13 hire right now.  
 14 Q. Right. Did you walk away from that  
 15 interview with any kind of opinion that you  
 16 can recall?  
 17 A. Nothing other than, okay, at least he can  
 18 entertain us with a lot of good  
 19 conversation. But nothing as to this is  
 20 going to be the person who I want for the  
 21 job.  
 22 Q. Okay.  
 23 A. No.

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1 Q. Now, what kind of certification would be  
 2 required for this position?  
 3 A. An administrative certification. And to  
 4 have that, you have to have completed a  
 5 course -- your four years and then the  
 6 master's program, and this is like five  
 7 classes or more after the master's  
 8 program. So having an administrative  
 9 certificate for K through 12, those are the  
 10 requirements.  
 11 Q. Are you aware of whether or not Mr. Lowe  
 12 possesses or possessed at that time an  
 13 administrative certificate?  
 14 A. For him to be in the interview with us at  
 15 central office, I assumed.  
 16 Q. Okay.  
 17 A. But, you know, other than that, I don't  
 18 know. You don't know.  
 19 Q. After you had this 30, 35-minute interview  
 20 with Mr. Lowe, what happened next as far as  
 21 the hiring process?  
 22 A. Well, I had to interview -- I interviewed a  
 23 couple other people. I thought that day

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1 that that was particularly going to be the  
 2 last of the interviews, but individuals  
 3 kind of came along. I don't know how  
 4 many. There was another person that came  
 5 in following his interview, and then I did  
 6 a phone interview with his brother because  
 7 his brother was at a conference.  
 8 Q. The other person came in that same day?  
 9 A. That same day. And it could have been  
 10 following. And then I had another  
 11 interview with a teacher who's on my staff,  
 12 Martin Dukes, and that was -- he was my  
 13 last interview, Martin Dukes. He's a  
 14 social studies teacher at BTW.  
 15 Q. And you stated that Marvin Lowe had a phone  
 16 interview with you?  
 17 A. Yes.  
 18 Q. And that was after you had had the  
 19 personal, face-to-face interview with  
 20 Melvin Lowe?  
 21 A. Yes.  
 22 Q. When was Martin Dukes' interview?  
 23 A. I don't remember the date, but it was

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1 several days afterwards. Yes. Several  
 2 days after.  
 3 Q. And how did Mr. Dukes go through the  
 4 process of positioning himself for this  
 5 administrative assistant --  
 6 A. He had to go through the same process with  
 7 HR, and then he had to have an interview  
 8 with the principal.  
 9 Q. Okay. Had he made you aware of his  
 10 interest in this position prior to your  
 11 interviewing Melvin Lowe?  
 12 A. I knew that he was certifying in  
 13 administration, but I didn't know what his  
 14 interests would be in Montgomery Public  
 15 Schools. You never know until, you know,  
 16 people submit a letter of interest, so I  
 17 didn't know beyond that.  
 18 Q. Did Mr. Dukes obtain his certification?  
 19 A. He already had his certification. He has a  
 20 master's in administration from ASU.  
 21 Q. When did he get that certification?  
 22 A. He got it maybe in May. I'm not sure, but,  
 23 you know, May.



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1 Q. So he had it prior to you interviewing him?  
2 A. Uh-huh (positive response).  
3 Q. Who was actually ultimately hired for that  
4 position?  
5 A. Ronald Ashley. He was a veteran teacher  
6 from Floyd Middle Magnet High School --  
7 Junior High School.  
8 Q. When was Mr. Ashley interviewed?  
9 A. He was interviewed -- I believe he was the  
10 first one of the day.  
11 Q. Before Melvin Lowe?  
12 A. Before Melvin.  
13 Q. Okay.  
14 A. He could have either been before or after.  
15 I was running a little bit behind time that  
16 day, so I don't know if he was before or  
17 after. I think he was before.  
18 Q. Okay. So the day that you interviewed  
19 Melvin Lowe, you interviewed Mr. Ashley --  
20 A. Right.  
21 Q. -- and Melvin Lowe and another individual?  
22 A. No, Marvin came the next day on the  
23 telephone and then Martin Dukes was the

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1 last person.  
2 Q. Okay. So Melvin Lowe and Ronald Ashley  
3 were the only two on that same day?  
4 A. No, his brother -- yeah, on that same day.  
5 Q. In face-to-face interviews?  
6 A. Yes. Yes.  
7 Q. Okay. When did you call Marvin Lowe?  
8 A. I had to have called him because I had to  
9 call Melvin to get his telephone number,  
10 his cell phone number, because the number  
11 that he had given me wasn't working, so it  
12 must have been the day after. I was at  
13 Vacation Bible School when I interviewed  
14 him, so -- in the parking lot. I couldn't  
15 go in until I interviewed him. So it was  
16 whatever day that was. I don't know.  
17 Q. Do you --  
18 A. The day after or a couple of days after.  
19 Q. Okay. When you called Melvin to get  
20 Marvin's cell phone number, what did you  
21 and Melvin discuss that day?  
22 A. He basically discussed that, you know, he  
23 enjoyed the interview, and I said I enjoyed

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1 it as well. And that's about it. I got  
2 the number and went on because it's very  
3 awkward when you're talking to a brother  
4 and then a brother, and they're both  
5 candidates for the same position. So it  
6 was limited. It wasn't a very long  
7 conversation.  
8 Q. Do you remember when you called Melvin?  
9 Was it morning, night?  
10 A. It was evening, like about five, six  
11 o'clock.  
12 Q. So did you call him at his home for  
13 Marvin's number?  
14 A. Yes, uh-huh (positive response).  
15 Q. Did you indicate --  
16 A. Home or cell.  
17 Q. Did you indicate to Melvin in that phone  
18 call that you had already made your  
19 decision as to who you were going to  
20 recommend for that position?  
21 A. No.  
22 Q. Did you indicate to Melvin that Marvin had,  
23 in fact, applied for that same position?

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1 A. Well, they knew each other, you know.  
2 They're brothers, so, you know, they both  
3 knew. And so I really can't recall.  
4 Because it was just one of those known  
5 things, you know. You've applied and your  
6 brother is applying.  
7 Q. Right.  
8 A. Yes.  
9 Q. Do you remember anything else --  
10 What all did you say to Melvin on that  
11 night when you called him to get Marvin's  
12 phone number?  
13 A. Nothing other than, like I stated, I  
14 enjoyed the interview and, you know, I'm  
15 just impressed that both you and your  
16 brother have done so many different  
17 things. His brother is doing extremely  
18 well at J.D. I didn't get into all of  
19 that. That was basically the overall  
20 conversation.  
21 Q. Do you remember about how long that phone  
22 call lasted?  
23 A. No.

11 (Pages 41 to 44)

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1 Q. Did you recommend Melvin Lowe for -- Let me  
 2 back up.  
 3 Did you ever speak with Jimmy Barker  
 4 about hiring Melvin Lowe for this position?  
 5 A. I made my recommendations, talked about  
 6 those recommendations, and that's it.  
 7 Q. Okay. Who were your recommendations?  
 8 A. My first recommendation was Ronald Ashley,  
 9 and I got him. My second one was a  
 10 Mr. Johnston, who is at Lee High School  
 11 now. And my third recommendation was his  
 12 brother, Mr. Lowe's brother.  
 13 Q. Okay. Let's back up. Did you interview  
 14 Mr. Johnston?  
 15 A. Yes, I did.  
 16 Q. Okay. When did you interview Mr. Johnston?  
 17 A. He had to have been before Mr. Lowe.  
 18 Q. Okay.  
 19 A. He was one of my first or second interviews.  
 20 Q. So was the interview in your office?  
 21 A. Yes.  
 22 Q. Okay. What did you discuss with Mr. Barker  
 23 with regard to your recommendations?

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1 A. I talked about Mr. Ashley and just kind of  
 2 getting some background information; that,  
 3 you know, he has an excellent reputation.  
 4 He was very impressive in the interview; I  
 5 mean, extremely organized, poised. He  
 6 answered all of the questions and was able  
 7 to elaborate and provide examples as to  
 8 where he --  
 9 We have an aviation magnet at BTW.  
 10 Mr. Ashley has background in the military,  
 11 and our aviation teacher was up for PEPE  
 12 evaluation this year, so it was just very  
 13 impressive to hear about the military  
 14 experience and how that could apply to what  
 15 we were doing at BTW. So I shared with him  
 16 that I was impressed with his organization,  
 17 with his presence, and with his  
 18 professionalism in the interview.  
 19 Q. Did you discuss Mr. Johnston with Jimmy  
 20 Barker?  
 21 A. I just discussed that I was impressed with  
 22 him as well. He had training in logistics,  
 23 and one of the biggest assignments that an

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1 assistant principal has is to do textbooks,  
 2 inventory, and he kind of made it clear in  
 3 his interview that he was well prepared to  
 4 do that. So I didn't really get into  
 5 details with that because my focus was  
 6 Ronald Ashley. I wanted him.  
 7 Q. Did you discuss Marvin Lowe with  
 8 Mr. Barker?  
 9 A. The brother?  
 10 Q. Yes, Marvin.  
 11 A. Yes, I did discuss him, but more so, you  
 12 know, this is a guidance counselor, he's  
 13 12 months, and that I was just very  
 14 impressed with him as well. Because he did  
 15 come for a follow-up, face-to-face  
 16 interview. It was a courtesy. After we  
 17 had our telephone interview, he just  
 18 stopped by the school one day to meet me  
 19 face to face and give me some information  
 20 in my hand. So I discussed that because I  
 21 had an opportunity to see him face to face  
 22 beyond the telephone.  
 23 Q. Did you ever discuss Melvin Lowe with Jimmy

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1 Barker?  
 2 A. No, I didn't, because that was not one of  
 3 my choices. He was not one of my choices  
 4 based on the interviews and the HR around  
 5 the table.  
 6 Q. And you stated that Ronald Ashley was your  
 7 first --  
 8 A. My first choice.  
 9 Q. Okay. And he was the one that was hired  
 10 for the position?  
 11 A. Hired, uh-huh (positive response).  
 12 Q. Did Mr. Ashley have any administrative  
 13 experience prior to BTW?  
 14 A. He was in the classroom for several years.  
 15 He would be the designee sometimes when his  
 16 administrator, Johnny Jefferson, who is  
 17 deceased now, would leave the building, so  
 18 he had a lot of leadership experience at  
 19 Floyd Middle and in the community.  
 20 Q. Okay. Did you have any conversations with  
 21 Melvin Lowe with regard to you recommending  
 22 him for this position?  
 23 A. I didn't say that -- and one reason why I

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1 want to say this clearly is that we cannot  
 2 tell an applicant that they've been hired.  
 3 It's just unprofessional. Because what's  
 4 going to happen if an issue comes up and  
 5 their qualifications don't match? Because  
 6 it can happen. Anybody can make mistakes.  
 7 Human resources, they make the final call.  
 8 We submit the recommendations, they make  
 9 the call.  
 10 So I have to be very careful, because  
 11 you can get some people really excited: I  
 12 know I got the job. But you don't want  
 13 people leaving upset: Well, I know she's  
 14 already just excluded me from the  
 15 interview.  
 16 So I didn't leave him with that  
 17 impression, but I did leave him like I  
 18 leave all of my applicants: I'm impressed  
 19 with your resume, what you've done. You  
 20 know, you will go very far. But not,  
 21 you're going to get this job. It's just  
 22 not professional to do that without  
 23 following protocol.

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1 Q. Had you ever had a conversation with Melvin  
 2 where you indicated to him that it would be  
 3 important to exchange phone numbers because  
 4 you would be working closely together?  
 5 A. It was important to exchange phone numbers  
 6 because I have to get all of the contact  
 7 numbers of the individuals who I've  
 8 interviewed. You know, you just never know  
 9 what networking can take place after an  
 10 interview or when you may have to work with  
 11 a person in the future. But that's the  
 12 information I get from everyone. May I  
 13 have your contact information if I need to  
 14 contact you in the near future or the  
 15 future, you know. So...  
 16 Q. Did you get his contact information at the  
 17 face-to-face interview, or was this later  
 18 in a phone call?  
 19 A. At the face-to-face interview, he provided  
 20 all of his documents, all of his  
 21 information.  
 22 Q. Okay. Other than the conversation that you  
 23 just spoke of with Jimmy Barker

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1 regarding -- where you went through the  
 2 recommendations of Ashley Johnston and  
 3 Marvin Lowe, did you have any other  
 4 conversations with Mr. Barker with regard  
 5 to filling this position?  
 6 A. I did just about the same way when I was  
 7 getting my position. I just waited, you  
 8 know. I wanted to just have somebody. Of  
 9 course, Ronald Ashley was my first pick,  
 10 but I was really looking forward to having  
 11 an assistant principal for the year. I  
 12 just waited. I didn't do a bunch of  
 13 follow-up calls because I knew that they  
 14 would eventually honor my request or either  
 15 follow up in some way or the other.  
 16 Q. Did you do any kind of follow-up calls?  
 17 A. I didn't call individuals. I might have  
 18 called and said thank you for the  
 19 interview. We tried to do that just out of  
 20 courtesy to some of the applicants, but we  
 21 might not have done it for all, to say  
 22 thank you for interviewing, keep doing what  
 23 you're doing, but no.

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1 Q. Did you do any follow up with the human  
 2 resources?  
 3 A. Other than doing the recommendations?  
 4 Q. Right.  
 5 A. They call us.  
 6 Q. You did the recommendation, and then you  
 7 said you waited. You didn't do much follow  
 8 up. I'm just wondering if you did any  
 9 follow up with --  
 10 A. I just waited for my phone call.  
 11 Q. Okay. Did you ever speak to Carolyn Hicks  
 12 with regard to filling the administrative  
 13 assistant position in 2005?  
 14 A. I'm not sure, because I was talking to her  
 15 the whole time about filling teaching  
 16 positions because I had openings in musical  
 17 theater. You know, it could have been in  
 18 some conversations with her where I was  
 19 talking about teachers that something could  
 20 have come up, but, no, I can't say that I  
 21 did talk to her. I'm not sure. I could  
 22 have, but I'm just not sure.  
 23 Q. Did Mr. Barker ever tell you that you had



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1 to hire a man or a woman to fill any  
2 certain position?  
3 A. No. And I even asked Mr. Barker about  
4 this. You know, I need somebody. Does it  
5 matter? And he said, no. You need to go  
6 with the most qualified candidate, you  
7 know. We cannot discriminate based on  
8 gender or race. And he shared that with  
9 me on my IP, so I remember where I was  
10 seated when he said that, you know. He  
11 said, no, we cannot discriminate. You  
12 choose who you want, and we will, if we  
13 can, honor that request. Because there  
14 were so many schools that needed assistant  
15 principals, and so --  
16 Q. What was the basis for you even inquiring  
17 about that?  
18 A. There was no basis for me inquiring about  
19 it, but there were several applicants, you  
20 know, that were interested in positions.  
21 But he made it very clear. And it could  
22 have been just something that was inserted,  
23 but he made it very clear that, no, you

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1 know. Don't look at things like that.  
2 Because I am...  
3 Q. And I guess what I'm asking you is what  
4 gave you the impression that that question  
5 needed to be asked to clarify that  
6 situation?  
7 A. Okay. I've been in other situations, not  
8 in Montgomery County, where that has been  
9 an issue. I have a friend who is an  
10 administrator in another county, and, you  
11 know, that's an issue. But it wasn't an  
12 issue with Montgomery Public Schools.  
13 Q. So your basis for inquiring of Mr. Barker  
14 whether you needed to take gender or race  
15 or anything else into consideration is  
16 based solely on --  
17 A. Other experiences.  
18 Q. -- other experiences with other counties?  
19 A. Right, with other counties.  
20 Q. Okay. Do you know if any background or  
21 reference check was done with regard to any  
22 of the applicants after your interview?  
23 A. I'm certain that they went back to just

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1 double check. I don't know, but I just  
2 assumed, you know. You're not supposed to  
3 assume --  
4 MS. CARTER: If you don't know,  
5 just say you don't know.  
6 Q. If you don't know, that's fine.  
7 A. Okay.  
8 Q. Did you obtain any additional information  
9 on Melvin Lowe after his face-to-face  
10 interview with you?  
11 A. No, because I was not interested.  
12 Q. Okay. Did you ever speak to anyone that  
13 Melvin had ever worked with?  
14 A. No.  
15 Q. Have you ever spoken to anyone in human  
16 resources or administration with regard to  
17 Melvin Lowe?  
18 A. No.  
19 MS. DUGAS: Let's take a quick  
20 break.  
21 (Brief recess.)  
22 Q. (Ms. Dugas continuing) Few more questions.  
23 For the 2004 administrative assistant

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1 position, did you conduct interviews  
2 through the MPS committee?  
3 A. I did, uh-huh (positive response).  
4 Q. Hiring committee?  
5 A. Uh-huh (positive response).  
6 Q. Did you interview Melvin Lowe?  
7 A. No, no. I don't remember him that year. I  
8 just remember him for '05-'06.  
9 Q. Do you remember who you recommended for  
10 that position in 2004?  
11 A. I don't remember who I recommended, because  
12 it was a shortage of applicants that year.  
13 I don't remember. And I may not have  
14 recommended anybody because, you know, I've  
15 always kind of felt -- you know, it's  
16 better to either do it solo and have the  
17 person that -- You know, you can work well  
18 by yourself, but if you do it with someone  
19 who's not going to work well with you, it  
20 won't be effective. So I don't even know  
21 if I submitted recommendations because I  
22 was doing all of this interviewing and just  
23 didn't find anybody who matched what I



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1 think they needed to be. So I think that  
 2 was more my situation in '04-'05.  
 3 Q. That you didn't find anybody who you felt  
 4 matched with your personality or your --  
 5 A. Right, or with the school. The children  
 6 first, you know, because I don't know if  
 7 anybody would match with me. It was more  
 8 so the students.  
 9 Q. Is that something that's typical? Are you  
 10 aware of any other situations where a  
 11 principal has just chosen to not have an  
 12 administrative assistant?  
 13 A. I don't know if chosen, but just trying to  
 14 wait for the best applicant. Quinton Ross,  
 15 who was my principal, he went about a year  
 16 without an assistant principal. BTW has  
 17 had six or seven principals.  
 18 Q. That was my next question. When was  
 19 Quinton Ross your principal?  
 20 A. Okay. The first year, it was Cheryl  
 21 Carter. She stayed for a year. The second  
 22 year, we had Birdie Owen. She stayed a  
 23 year. Then we had Nancy Creytor. She

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1 stayed a year. Quinton Ross stayed three  
 2 years, I think. Then Dan Aude came and  
 3 stayed a year, and then I was the one after  
 4 Dan Aude. So Quinton Ross was before Dan  
 5 Aude.  
 6 Q. And you stated he did not have an assistant  
 7 principal?  
 8 A. He did not have it his first year he was  
 9 the principal there.  
 10 Q. Okay. And would you have any documents  
 11 regarding the interviews, when you sat in  
 12 on the interviews at MPS?  
 13 A. Other than the names, no. Because we were  
 14 just going round robin, asking questions.  
 15 And that's just your interview just to be  
 16 able to see, hey, I want to do a follow up  
 17 with this person.  
 18 Q. Okay. Would you have a list of who  
 19 attended the interviews that you were  
 20 present in?  
 21 A. The ones at BTW?  
 22 Q. Uh-huh (positive response).  
 23 A. I could probably just call them off, but I

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1 would not have a listing from '04-'05. I  
 2 mean, from memory...  
 3 Q. So you --  
 4 A. For '04-'05, not '05-'06. '05-'06, I could  
 5 have a listing of the individuals. But  
 6 '04-'05 --  
 7 Q. And not just you personally, but the  
 8 interview, the group panel committee at  
 9 MPS.  
 10 A. I don't have that anymore.  
 11 Q. Okay. Are the principals given a list of  
 12 questions to ask? Are there standard  
 13 questions that are asked of each applicant?  
 14 A. I think the human resources department asks  
 15 the standard questions, and then we can  
 16 just ask general questions like, you know,  
 17 what is your leadership style, what  
 18 research-based strategies have worked in  
 19 your school, and how could you apply them  
 20 in another school. Those are some of the  
 21 questions.  
 22 Q. Does human resources have any input into  
 23 the questions that you ask?

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1 A. In my office?  
 2 Q. No, in the -- we're talking about the  
 3 overall committee meeting. It's my  
 4 understanding --  
 5 Let me ask this first. Does human  
 6 resources ask their set of questions first?  
 7 A. They're kind of mixed in.  
 8 Q. Okay. Is this interview process structured  
 9 in any way?  
 10 A. Now, let me go back. I've got to replay  
 11 this all in my head. Now, for the central  
 12 office interview, if I'm not mistaken --  
 13 and since Mr. Barker is invisible, I can't  
 14 ask him.  
 15 The human resource officers were asking  
 16 questions, and we were jotting down, you  
 17 know, pieces of information about the  
 18 applicants. I really didn't have a direct  
 19 interview with the person until they came  
 20 to my BTW office.  
 21 Q. Okay. So did the individual principals  
 22 have an opportunity to ask individual  
 23 questions to each of the candidates?

15 (Pages 57 to 60)

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1 A. Now that I look back, not in the group  
2 setting. Because I remember those  
3 questions because one of the ones that  
4 stands out the most is what research-based  
5 strategies have you applied, and people  
6 kept falling over that. So that's what  
7 triggered it back. They were making up  
8 things.  
9 Q. Was each candidate asked the same questions  
10 by the human resource officer?  
11 A. Uh-huh (positive response).  
12 Q. Who was your piano teacher when you were  
13 little?  
14 A. Virginia Jefferson. She's no longer here,  
15 though.  
16 Q. Deceased, you mean?  
17 A. No, she just left, went somewhere. I don't  
18 know where she is.  
19 Q. When Mr. Ashley interviewed for the  
20 2005-2006, the current administrative  
21 position, where was he working prior to  
22 this position?  
23 A. Floyd Middle Magnet.

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1 Q. Okay. Had you ever worked with him before?  
2 A. I had not, no.  
3 Q. That's it.  
4 MS. CARTER: I have just a quick  
5 clarification.  
6 EXAMINATION  
7 BY MS. CARTER:  
8 Q. You said just for -- because this is our  
9 purpose for being here, I just want to  
10 clarify this.  
11 You said that when you interviewed  
12 Melvin Lowe in your office that you had  
13 planned for it to be a structured  
14 interview, but it didn't turn out like  
15 that. Explain to us in more detail what  
16 you mean by that.  
17 A. Well, when I said that I planned for it to  
18 be a structure interview, there was a set,  
19 just like with the human resources  
20 interview, of questions that I wanted to  
21 ask: Organizational skills, interpersonal  
22 skills, experience in the magnet school and  
23 in the performing and nonperforming arts.

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1 And I think we got lost right at the  
2 beginning of the interview because -- and I  
3 asked him -- you know, I told him at the  
4 end, because I didn't want to make him feel  
5 like he had talked too much in the  
6 interview, so I said, you know, thank you.  
7 He said, yes, I've always known that  
8 you -- pretty much it's good to take charge  
9 of the interview, because people want to  
10 hear about everything that you've done. So  
11 I heard mostly about Mr. Lowe during the  
12 interview, not the questions. My questions  
13 weren't being answered.  
14 And then after a certain point, if  
15 you're halfway through the interview, then  
16 as an administrator who is hiring, you're  
17 thinking, okay. If I give you a job  
18 assignment, it's going to be about you and  
19 not about what the task is about. So it  
20 moved more so to this is who I am, this is  
21 what I've accomplished. And my questions  
22 weren't answered, and I gave up pretty  
23 much midway. It moved into just

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1 conversational, this is what I've done in  
2 my lifetime.  
3 Q. What do you mean, you gave up midway? You  
4 gave up trying to ask your questions?  
5 A. Yes, trying to get through the rest of the  
6 questions.  
7 Q. Was there ever any question or ever a time  
8 that Melvin Lowe would have been in your  
9 top three picks out of those interviews?  
10 A. No, because the candidates were so strong.  
11 And I hate to compare Melvin to Marvin, you  
12 know, siblings. My parents did that, you  
13 know. But they were -- the candidates that  
14 I recommended, they were organized. They  
15 knew what they were talking about. When  
16 you gave them a question, they responded to  
17 it and provided examples as to how they  
18 would solve these problems, and they would  
19 draw from their previous experience. So  
20 that is what guided it because you don't  
21 know these individuals.  
22 I knew nothing about Mr. Ashley other  
23 than he was coming from Floyd Middle, but

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1 his responses to the questions, this is  
 2 what our 500 or so kids need at BTW.  
 3 Q. Did at any time you have a conversation  
 4 with Jimmy Barker or anybody in central  
 5 office about Melvin Lowe having a lawsuit  
 6 or having filed an EEOC charge?  
 7 A. My first time hearing about this was when I  
 8 got the call to do the deposition. So I'm  
 9 floored. I'm shocked, you know.  
 10 Q. Okay.  
 11 A. So this is my first time.  
 12 Q. Thank you.  
 13 EXAMINATION  
 14 BY MS. DUGAS:  
 15 Q. Have you ever spoken to anyone, any third  
 16 party, Mr. Barker or anyone from HR -- any  
 17 third party, for that matter -- about  
 18 Melvin Lowe?  
 19 A. No. My first time really knowing that he  
 20 was an administrative applicant was at HR  
 21 the day he was seated at the table and we  
 22 were asking -- or the HR officers were  
 23 asking questions. So, no, I haven't talked

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1 about him to anybody, third party.  
 2 Q. Have you talked to anybody subsequent to  
 3 the interview with him?  
 4 A. No, not to -- no.  
 5 Q. Okay.  
 6 A. No.  
 7 MS. CARTER: One other quick  
 8 question I forgot.  
 9 EXAMINATION  
 10 BY MS. CARTER:  
 11 Q. Do you know anything about Melvin Lowe's  
 12 mother or a lawsuit she might have had  
 13 against the school at some point?  
 14 A. I have not heard that, anything directly  
 15 about Melvin's --  
 16 Her last name is Lowe, too?  
 17 Mrs. Lowe? I haven't --  
 18 Q. Yes, it is.  
 19 A. I haven't heard anything about a lawsuit  
 20 from her, but I do remember her from  
 21 working as an intern. I interned in the  
 22 office of student and community support,  
 23 but there was no personal --

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1 Q. Did y'all have any personal issues or  
 2 personal problems, you and Ms. Lowe?  
 3 A. No. I worked directly under Stan Cox, who  
 4 is now in Opelika, and she was just one of  
 5 the individuals in the office.  
 6 Q. Okay. Thank you.  
 7 MS. DUGAS: One question.  
 8 EXAMINATION  
 9 BY MS. DUGAS:  
 10 Q. You said you never heard anything  
 11 directly. Did you ever hear anything  
 12 indirectly?  
 13 A. You know what? When you're in -- and just  
 14 to be honest, when you're in the public  
 15 school system, things fly around. So I  
 16 can't say yes or no, because I don't know  
 17 what I have heard indirectly in the  
 18 system. You know, part of the human  
 19 resource function and the human function is  
 20 to hear gossip and different things  
 21 floating around, so you never can say when  
 22 you haven't or have heard things. But, no,  
 23 I was not aware or knowledgeable of a

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1 lawsuit coming from Mrs. Lowe.  
 2 Q. Have you ever heard anything indirectly  
 3 about Melvin Lowe --  
 4 A. No.  
 5 Q. -- during the course of your term in  
 6 Montgomery public schools?  
 7 A. No. My only knowledge of Melvin was at  
 8 the interview at central office, piano  
 9 lessons, and we really didn't get to talk  
 10 then because I think he was in choir and  
 11 piano and I was just in piano. And then I  
 12 went to choir later. But other than that,  
 13 no.  
 14 Q. Okay. That's it. Thank you very much.  
 15 A. Okay. Thank you.  
 16 \*\*\*\*\*  
 17 FURTHER DEPONENT SAITH NOT  
 18 \*\*\*\*\*  
 19 REPORTER'S CERTIFICATE  
 20 STATE OF ALABAMA:  
 21 MONTGOMERY COUNTY:  
 22 I, Patricia G. Starkie, Registered  
 23 Diplomat Reporter, CRR, and Commissioner for the

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1 State of Alabama at Large, do hereby certify that I  
2 reported the deposition of:  
3 QUESHA STARKS  
4 who was first duly sworn by me to speak the truth,  
5 the whole truth and nothing but the truth, in the  
6 matter of:  
7 MELVIN LOWE,  
8 Plaintiff,  
9 Vs.  
10 MONTGOMERY COUNTY BOARD  
11 OF EDUCATION, et al.,  
12 Defendants.  
13 In The U.S. District Court  
14 For the Middle District of Alabama  
15 Northern Division  
16 Case Number 2:05-CV-0495  
17 on January 24, 2006.  
18 The foregoing 68 computer printed pages  
19 contain a true and correct transcript of the  
20 examination of said witness by counsel for the  
21 parties set out herein. The reading and signing of  
22 same is hereby waived.  
23 I further certify that I am neither of kin

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1 nor of counsel to the parties to said cause nor in  
2 any manner interested in the results thereof.  
3 This 31st day of January 2006.  
4  
5  
6  
7 Patricia G. Starkie, Registered  
8 Diplomate Reporter, CRR, and  
9 Commissioner for the State  
10 of Alabama at Large  
11  
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23



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